

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

Monday, May 23, 2005, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - March 28 and April 11, 2005.

PUBLIC HEARING - 7:30 p.m. - Proposed creation of pedestrian transit zones (05-0285R).

The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

* 05-0523-01 Bart and Susie Haugen submitting petition to vacate 22nd Avenue West adjacent to Lots 1, 2, 3 and 4, Block 6, Coffin-Warner and Jones Addition to Duluth. -- Assessor

* 05-0523-02 Thomas Selinski, et al. (two signatures), submitting petition to vacate 18th Street between Minnesota and Lake avenues. -- Assessor

05-0523-03 Duluth Tire and Oil submitting communication regarding board of zoning appeals approval to grant a variance to WB Ibiza, LLC (05-0317R and 05-0318R). -- Received

REPORTS OF OFFICERS

* 05-0523-04 Assessor submitting letters of sufficiency of petitions to vacate:
 (a) 18th Street between Minnesota and Lake avenues;
 (b) Half of 22nd Avenue West adjacent to Lots 1, 2, 3 and 4, Block 6, Coffin-Warner and Jones Addition to Duluth. -- Received

05-0523-05 Building official submitting appeals of the board of zoning appeals decisions as follows:
 (a) Daniel Good, Christine Good, Samuel Good, Peggy Himebaugh, General Drivers Union Local No. 346, by Colin P. Hayes and Steven W. Veit, appealing the approval to grant a variance to WB Ibiza, LLC, to reduce the total number of required parking spaces from 79 to 41 for the remodeling of the vacant second and third floors into 24 dwelling units with a restaurant and dance center on the first floor of property located at 2803 West Superior Street;

 (b) Northern Communities Land Trust appealing denials to reduce the:
 (1) Minimum frontage requirement from 50 feet to 40 feet and the minimum width of one dwelling from 20 feet to 18 feet for the construction of three single family dwellings on property located at 2606, 2610 and 2614 West Second Street;

 (2) Required frontage from 50 feet to 37.5 feet, the minimum lot area from 5,000 square feet to 4,875 square feet, the minimum side yard on a corner lot from 15 feet to six feet six inches for a dwelling and from 20 feet to 12 feet six inches for a detached garage for the construction of two single-family dwellings for property located at 2601 and 2605 West Second Street;

(c) Skafte Enterprises, Inc., appealing approval to grant a variance to the city of Duluth, community development division, to relax the 380 square feet of lot area per unit to 300 square feet, the front and rear yard setbacks from 36 feet to five feet front and 15 feet six inches rear, the side yard setbacks from 36 feet to 3 feet ten inches and one foot, the minimum parking requirement from 47 spaces to 13 spaces for the demolition of existing structures and construction of a new 70 unit building consisting of 40 efficiency units and 30 single room occupancy units on property located at 230 West Third Street. -- Committee 2 (Planning and economic development)

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REPORTS OF BOARDS AND COMMISSIONS

* 05-0523-06 Board of zoning appeals minutes of March 22, 2005, meeting. -- Received (E-MAILED)

* Listed only, not copied.

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REPORTS OF COUNCIL COMMITTEES

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REPORTS OF COUNCIL OPEN ISSUES

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| • Comprehensive plan (5/28/2002) | • ISD 709 (7/10/2003) |
| • Planned unit development (5/28/2002) | • Retiree benefits (4/12/2004) |
| • Canal Park parking ramp (11/21/2002) | • Deer task force (12/20/2004) |
| • Bayfront master plan (12/16/2002) | • Peterson Arena (12/20/2004) |

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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RESOLUTIONS TABLED

COMMITTEE 1

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-0226R - RESOLUTION AWARDED CONTRACT TO HOLIDAY STATION STORES, INC., FOR FUEL AS NEEDED FOR 12 MONTHS AT AN ESTIMATED AMOUNT OF \$360,000. (TABLED 5/9)

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0272R - RESOLUTION AMENDING RESOLUTION 04-0594 ADDING AN ADDITIONAL \$1.2 MILLION TO THE ALLOCATION OF CITY FUNDS FOR THE DULUTH-KROC COMMUNITY CENTER. (TABLED 5/9)

BY COUNCILORS GILBERT, STOVER & REINERT

05-0300R - RESOLUTION IN SUPPORT OF CLEAN LAKES AND RIVERS. (TABLED 5/9)

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MOTIONS AND RESOLUTIONS

CONSENT AGENDA

All matters listed under the consent agenda are considered routine and/or noncontroversial and will be enacted by one unanimous motion. If a councilor requests, or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

COMMITTEE 1

BY COUNCILOR STAUBER (FINANCE)

05-0316R - RESOLUTION CONFIRMING ASSESSMENT ROLLS LEVIED TO DEFRAY THE ASSESSABLE PORTIONS OF SANITARY SEWER IN DECKER ROAD.

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-0321R - RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE LICENSED PREMISES OF GRANDMA'S ANGIE'S, INC. (LITTLE ANGIE'S CANTINA), 11 EAST BUCHANAN STREET.

05-0322R - RESOLUTION APPROVING THE ISSUANCE OF AN ON SALE WINE LICENSE AND ISSUING AN ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO LAI V AND NAM H LY (NAM LEE'S RESTAURANT), 4023 WOODLAND AVENUE.

05-0323R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO EAST END HOCKEY ASSOCIATION AND DULUTH CURLING CLUB.

05-0331R - RESOLUTION AUTHORIZING AN ARCHITECTURAL AGREEMENT WITH SJA ARCHITECTS FOR PROVIDING CERTAIN PHASE I ARCHITECTURAL SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE WEST DULUTH POLICE STATION IN AN AMOUNT NOT TO EXCEED \$7,200.

05-0334R - RESOLUTION AUTHORIZING A CONSULTING AGREEMENT WITH DSGW ARCHITECTS FOR PROVIDING CERTAIN PHASE I ARCHITECTURAL SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE PETERSON ARENA REPLACEMENT (AKA DULUTH HERITAGE HOCKEY CENTER) IN AN AMOUNT NOT TO EXCEED \$125,000.

05-0335R - RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDERS G-1 AND 2 TO RESOLUTION NO. 04-0830 WITH LIPE BROTHERS CONSTRUCTION FOR PROVIDING ADDITIONAL CONSTRUCTION SERVICES IN CONNECTION WITH OVERHEAD DOOR REPLACEMENT/HEADQUARTERS FIRE STATION IN AN AMOUNT OF \$11,782.

BY COUNCILOR JOHNSON (PERSONNEL)

05-0313R - RESOLUTION APPOINTING ROBERT J. ZALLAR TO THE CIVIL SERVICE BOARD.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0286R - RESOLUTION VACATING 21ST AVENUE EAST LYING BETWEEN THE SOUTHERLY LINE OF WATER STREET AND THE LAKE SUPERIOR SHORELINE ACCEPTING THE DEDICATION OF AN EASEMENT FOR LAKEWALK ACROSS LOTS 4-8, BLOCK A AND LOTS 1-8 BLOCK B, ENDION DIVISION OF DULUTH (PELLER).

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0332R - RESOLUTION ACCEPTING CERTIFIED LOCAL GOVERNMENT (CLG) GRANT OF \$1,000 FROM THE MINNESOTA STATE HISTORICAL SOCIETY FOR PROFESSIONAL SERVICES AT THE 2005 ANNUAL STATEWIDE HISTORIC PRESERVATION CONFERENCE AND COMMITTING \$1,000 LOCAL MATCH.

05-0333R - RESOLUTION VACATING A UTILITY EASEMENT WITHIN VACATED ALLEY BETWEEN 11TH AVENUE EAST AND TENTH AVENUE EAST SOUTH OF 12TH STREET (JIM MCLEAN/PEACE UNITED CHURCH OF CHRIST).

BY COUNCILOR ATKINS (INTERGOVERNMENTAL RELATIONS)

05-0341R - RESOLUTION AUTHORIZING AN AGREEMENT WITH ENVENTIS TELECOM, INC., FOR PROVIDING PROFESSIONAL SERVICES TO THE CITY OF DULUTH FOR COMPLETION OF PHASE 4 OF THE CITY'S TELECOMMUNICATIONS UPGRADE PROJECT FOR CONSIDERATION OF \$60,000.

05-0342R - RESOLUTION AUTHORIZING THE PURCHASE OF EQUIPMENT FROM ENVENTIS TELECOM, INC., FOR PHASE 4 OF THE CITY'S TELECOMMUNICATIONS UPGRADE PROJECT IN THE SUM OF \$145,000.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0304R - RESOLUTION OF INTENT TO CONSTRUCT A BITUMINOUS STREET IN 14TH STREET FROM CENTRAL ENTRANCE TO THIRD AVENUE EAST.

05-0319R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF DENNIS WALKOWIAK IN THE AMOUNT OF \$11,577.36.

05-0339R - RESOLUTION AWARDING CONTRACT TO PHIL RANDAL SEWER AND EXCAVATING, INC., FOR CONSTRUCTION OF HUNTER'S PARK 2005 STREET IMPROVEMENT PROJECT SITES IN THE AMOUNT OF \$629,628.48.

05-0340R - RESOLUTION AWARDING CONTRACT TO LETOURNEAU & SONS, INC., FOR CONSTRUCTION OF LINCOLN PARK CENTRAL EAST STREET IMPROVEMENT PROJECT SITES IN THE AMOUNT OF \$1,224,875.05.

05-0343R - RESOLUTION AWARDING CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC FOR CONSTRUCTION OF GRAND AVENUE RECONDITIONING PROJECT IN THE AMOUNT OF \$3,831,448.10.

05-0345R - RESOLUTION AWARDING CONTRACT TO MONROE TRUCK EQUIPMENT FOR THREE RADIUS DUMP SPREADERS IN THE AMOUNT OF \$163,577.61.

05-0346R - RESOLUTION AWARDING CONTRACT TO HYDRO METERING TECHNOLOGY, FOR WATER METER REPAIR PARTS AS NEEDED DURING YEAR 2005 AT AN ESTIMATED AMOUNT OF \$39,724.50.

05-0350R - RESOLUTION ACCEPTING DONATION OF ROAD EASEMENT FROM SUMMIT MANAGEMENT, LLC, RELATED TO THE CAMPUS PARK II DEVELOPMENT.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0351R - RESOLUTION AUTHORIZING ASSESSMENT AGREEMENT WITH SUMMIT MANAGEMENT, LLC, FOR STREET CONSTRUCTION RELATED TO CAMPUS PARK II DEVELOPMENT.

05-0352R - RESOLUTION AUTHORIZING REIMBURSEMENT AGREEMENT WITH ST. LOUIS COUNTY FOR PROJECT NO. 0341TR (RICE LAKE ROAD).

BY COUNCILOR LITTLE (PUBLIC SAFETY)

05-0280R - RESOLUTION TO ESTABLISH NO PARKING BETWEEN NOVEMBER 1 AND MAY 31 ON MINNEAPOLIS AVENUE BETWEEN ANOKA STREET AND ISANTI STREET.

05-0281R - RESOLUTION TO ESTABLISH NO PARKING ON ST. PAUL AVENUE BETWEEN ANOKA STREET AND ISANTI STREET.

05-0314R - RESOLUTION AUTHORIZING THE CITY TO APPLY FOR A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, MINNESOTA AUTO THEFT PREVENTION PROGRAM, FOR \$290,495 TO FUND SALARIES, EQUIPMENT AND TRAINING NEEDS FOR THREE PROPERTY CRIME INVESTIGATORS AND TO EXECUTE ANY DOCUMENTS REQUIRED TO BE EXECUTED TO ACCEPT SUCH GRANT.

05-0336R - RESOLUTION AUTHORIZING PAYMENT OF \$31,545.06 TO AMERICAN FAMILY INSURANCE, AS SUBROGEE OF JOEL STOCKE, FOR SETTLEMENT OF SUBROGATION CLAIM ARISING FROM A POLICE DEPARTMENT TACTICAL RESPONSE TEAM CALL-OUT ON MARCH 18, 2004.

05-0337R - RESOLUTION TO ESTABLISH ONE STALL HANDICAPPED PARKING ZONES AT VARIOUS LOCATIONS.

05-0338R - RESOLUTION APPROVING SETTLEMENT OF CLAIMS OF JOHN A. BROWN, JR., TESSA BUSCKO AND LISA CHARLES IN THE AMOUNT OF \$50,000.

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

05-0311R - RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF NATURAL RESOURCES, FOR THE SUMMER MAINTENANCE OF THE CLYDE AVENUE (MUNGER ACCESS) AND RICE'S POINT BOAT LAUNCH SITES.

END OF CONSENT AGENDA

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The following entitled resolutions are also for consideration at this meeting:

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0285R - RESOLUTION CREATING PEDESTRIAN TRANSIT ZONES ON THE PUBLIC SIDEWALKS ADJOINING PROPERTIES LOCATED AT 31, 114-116 AND 129 EAST FIRST STREET (BLUEDORN/GRADISHAR/KING).

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0317R - RESOLUTION AFFIRMING A DECISION OF THE BOARD OF ZONING APPEALS TO APPROVE THE REDUCTION OF THE TOTAL NUMBER OF PARKING SPACES REQUIRED FROM 79 TO 41 FOR THE REMODELING OF THE VACANT SECOND AND THIRD FLOORS INTO 24 DWELLING UNITS ON PROPERTY LOCATED AT 2803 WEST SUPERIOR STREET.

05-0318R - RESOLUTION REVERSING A DECISION OF THE BOARD OF ZONING APPEALS TO APPROVE THE REDUCTION OF THE TOTAL NUMBER OF PARKING SPACES REQUIRED FROM 79 TO 41 FOR THE REMODELING OF THE VACANT SECOND AND THIRD FLOORS INTO 24 DWELLING UNITS ON PROPERTY LOCATED AT 2803 WEST SUPERIOR STREET.

BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)

05-0315R - RESOLUTION SETTING FEES FOR COMMERCIAL USE PERMIT OR OPERATIONAL PERMIT; AMENDING RESOLUTIONS 04-0637 AND 04-0682.

05-0320R - RESOLUTION AMENDING RESOLUTION 05-0269, CHANGING THE DATE WHEN MONEY CAN BE TRANSFERRED FROM THE COMMUNITY INVESTMENT TRUST FUND.

COMMITTEE 3

BY COUNCILOR LITTLE (PUBLIC SAFETY)

05-0224R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE CITIES OF HERMANTOWN, MINNESOTA AND SUPERIOR, WISCONSIN, PROVIDING FOR THE CITY OF DULUTH TO PARTICIPATE IN THE LAKE SUPERIOR DRUG TASK FORCE.

05-0283R - RESOLUTION AWARDED PROFESSIONAL SERVICES CONTRACT TO JOHN KEENAN FOR EMERGENCY OPERATION PLAN UPGRADE IN AN AMOUNT UP TO \$20,000.

05-0349R - RESOLUTION ELIMINATING FEES FOR COMMERCIAL USE PERMIT OR OPERATIONAL PERMIT; AMENDING RESOLUTIONS 04-0637 AND 04-0682.

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

05-0324R - RESOLUTION SUPPORTING A CONGRESSIONAL APPROPRIATION TO ASSIST BREAKWATER HEALTHCARE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCES TABLED

COMMITTEE 1

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-006-O - AN ORDINANCE AMENDING SECTION 50-49 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING APPEALS OF DECISIONS OF THE BOARD OF ZONING APPEALS.

(TABLED 3/28 FOR PLANNING COMMISSION REVIEW)

COMMITTEE 3

BY COUNCILOR LITTLE (PUBLIC SAFETY)

05-015-O - AN ORDINANCE PERTAINING TO THE FIRE CODE, ALLOWING PRIVATE INSPECTIONS; AMENDING SECTIONS 21-1 AND 21-2 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

(RETABLED 5/9)

The following entitled ordinance is to be read for the first time:

COMMITTEE 3

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

05-020-O - AN ORDINANCE PERTAINING TO THE DULUTH HOUSING COMMISSION; AMENDING SECTION 2-146 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

The following entitled ordinance is to be read for the second time:

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-018-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 43, AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1-B, ONE-FAMILY RESIDENTIAL DISTRICT, TO C-1, COMMERCIAL DISTRICT, PROPERTY ON THE SOUTHEAST CORNER OF DODGE STREET AND 51ST AVENUE EAST (RICHARD KAY, COMMUNITY CONNECTION OF MINNESOTA, INC.).

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COUNCILOR QUESTIONS AND COMMENTS

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